

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	
)	
Interconnection Between Local Exchange)	CC Docket No. 95-185
Carriers and Commercial Mobile Radio)	
Service Providers)	

**COMMENTS OF
FOCAL COMMUNICATIONS CORPORATION**

Focal Communications Corporation ("Focal"), submits these comments concerning petitions for reconsideration of the *UNE Remand Order* in the above-captioned proceeding.³ Focal is a rapidly growing facilities-based communications provider offering innovative data and voice services to large corporations, value-added resellers and Internet service providers in major markets nationwide.

I. THE COMMISSION SHOULD CONSIDER MODIFICATION OF UNBUNDLED SWITCHING REQUIREMENTS TO COMBINE THE BEST FEATURES OF DIVERGENT VIEWS

In the *UNE Remand Order*, the Commission concluded that, on balance, local circuit switching should be unbundled nationwide but established a more narrowly tailored rule to reflect

³ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket Nos. 96-98 & 95-185, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, DA 99-238 (rel. November 5, 1999) ("*UNE Remand Order*").

significant marketplace developments.⁴ Specifically, the Commission determined that ILECs are not required to provide unbundled access to local switching to CLECs serving customers with four or more lines in density zone 1 in the top 50 metropolitan statistical areas (“MSAs”) where the ILEC has provided nondiscriminatory, cost-based access to the enhanced extended link (“EEL”) throughout density zone 1.⁵

Petitions for reconsideration submitted in response to the *UNE Remand Order* present differing views concerning unbundled access to local switching. Bell Atlantic requests that the Commission not require ILECs to provide unbundled access to local switching wherever CLECs are providing service with their own local switches.⁶ Bell Atlantic also asks the Commission to rescind the requirement that ILECs provide the EEL in order to qualify for any exemption from provision of unbundled access to local switching.⁷ Other petitioners request that the Commission expand the availability of unbundled access to local switching in density zone 1 by raising the number of customer lines below which ILECs must provide unbundled access to local switching. Comptel, MCI WorldCom, and Birch urge the Commission to limit the exception to cases where the end user has a DS-1 or higher interface.⁸ AT&T recommends an 8 line threshold.⁹

⁴ *UNE Remand Order*, paras. 275, 278.

⁵ *Id.*, para. 278.

⁶ Bell Atlantic Petition, p. 6-11.

⁷ *Id.*, p 3-6.

⁸ Comptel at 3; MCI WorldCom at 22-23; Birch at 13.

⁹ AT&T at 13.

Focal believes that, at this stage of this proceeding, there may be merit in the Commission crafting a resolution of issues concerning provision of unbundled access to local switching that combines features of differing positions presented in the record. A solution that both raises the number of lines under which unbundled access to local switching must be provided while expanding beyond density zone 1 of the top 50 MSAs the areas in which ILECs can obtain the exemption may provide a reasonable compromise. For example, while this is not the only alternative, the Commission could determine on reconsideration that ILECs are not required to provide unbundled access to local switching to CLECs serving customers with eight or more lines anywhere in the top 50 MSAs where the ILEC has provided nondiscriminatory, cost-based access to the enhanced extended link (“EEL”) throughout the MSA. This could address the concerns that have been raised that four lines does not adequately measure when CLECs would be impaired in their ability to provide service. At the same time, it would expand the areas in which ILECs are not required to provide unbundled access to local switching. Focal urges the Commission to consider an approach along these lines as a solution of issues raised on reconsideration concerning unbundled access to local switching.

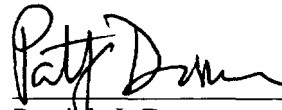
In no event, however, should the Commission limit ILECs’ obligations to provide the EEL. The availability of the EEL will be essential to assure that CLECs’ ability to provide service is not impaired in areas where ILECs are not required to provide unbundled access to local switching.¹⁰ A further advantage of the approach suggested above, in addition to combining features of otherwise differing views on this issue, is that it would expand the geographic areas in which the EEL is available.

¹⁰ *UNE Remand Order*, para. 288.

II. CONCLUSION

For these reasons, Focal respectfully requests that the Commission consider resolution of issues concerning unbundled access to local switching as suggested herein.

Respectfully submitted,



Patrick J. Donovan
Donna Coles Roberts
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7500

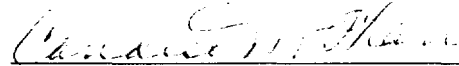
Richard Metzger
Vice President
Regulatory Affairs and Public Policy
Focal Communications Corporation
7799 Leesburg Pike
Suite 850 N
Falls Church, VA 22043
(703) 637-8778

Dated: April 3, 2000

Counsel for Focal Communications
Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of Focal Communications Corporation in CC Docket No. 96-98 was sent by United States First-Class Mail, postage prepaid, or hand delivered, on this 3rd day of April, 2000 to the parties on the attached list.



Candise M. Pharr

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW - TW-B204
Washington, DC 20554

VIA HAND DELIVERY

Sarah Whitesell
Office of Commissioner Tristani
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Dorothy Atwood
Office of the Chairman
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Janice Myles
Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

International Transcription Service
445 12th Street, SW - CY-B400
Washington, DC 20554

VIA HAND DELIVERY

Jordan Goldstein
Office of Commissioner Ness
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Lawrence E. Strickling
Chief, Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Michelle Carey
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Kyle Dixon
Office of Commissioner Powell
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Margaret Egler
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY

Chairman William E. Kennard
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Mark C. Rosenblum
Roy E. Hoffinger
Richard H. Rubin
AT&T Corp
295 North Maple Avenue - Room 1127M1
Basking Ridge, New Jersey 07920

VIA HAND DELIVERY

Rebecca Beynon
Office of Commissioner Furchgott-Roth
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

M. Robert Sutherland
Jonathan B. Banks
BellSouth Corporation
1155 Peachtree Street, NE - Suite 1800
Atlanta, Georgia 30309-3610
Counsel for BellSouth Corp. & Bell South
Telecommunications, Inc.

VIA HAND DELIVERY

Robert Atkinson
Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Mark D. Schneider
Jenner & Block
601 13th Street, NW
Washington, DC 20005
Counsel for MCI WorldCom

Edward Shakin
Michael E. Glover
Bell Atlantic
1320 North Courthouse Road - 8th Floor
Arlington, Virginia 22201

Anthony C. Epstein
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Counsel for MCI WorldCom

James G. Pachulski
TechNet Law Group, P.C.
1100 New York Avenue, NW - Suite 365
Washington, DC 20005
Counsel for Bell Atlantic

Constance L. Kirkendall
Regulatory Manager
@link Networks, Inc.
2200 Campbell Creek Boulevard - #100
Richardson, Texas 75082

Chuck Goldfarb
Richard S. Whitt
Cristin Flynn
MCI WorldCom, Inc.
1801 Pennsylvania Avenue, NW
Washington, DC 20006

Jonathan E. Canis
Ross A. Buntrock
Kelley Drye & Warren, LLP
1200 19th Street, NW - 5th Floor
Washington, DC 20036
Counsel for Intermedia Communications

Jason Oxman
Covad Communications Company
600 14th Street, NW - #750
Washington, DC 20005

Albert H. Kramer
Jacob S. Farber
Dickstein Shaprio Morin & Oshinsky LLP
2101 L Street, NW
Washington, DC 20037-1526
Counsel for Birch Telecom

James M. Tennant
President
Low Tech Designs, Inc.
1204 Saville Street
Georgetown, South Carolina 29440

Christy Kunin
Elise P.W. Kiely
Blumenfeld & Cohen
Technology Law Group
16525 Massachusetts Avenue, NW - #700
Washington, DC 20036
Counsel for Rhythms Netconnections, Inc.

Robert J. Aamoth
Steven A. Augustino
Todd D. Daubert
Kelley Drye & Warren LLP
1200 19th Street, NW - #500
Washington, DC 20036
Counsel for CompTel

Kent F. Heyman, Sr, Vice President &
General Counsel
Francis D.R. Coleman
Mpower Communications
161 Sully's Trail #202
Pittsford, New York 14534

Carol Ann Bischoff
Executive V.P. and General Counsel
Competitive Telecommunications
Association
1900 M Street, NW #800
Washington, DC 20036

Wendy Bluemling
Director, Regulatory Affairs
DSL.net, Inc.
545 Long Wharf Drive - 5th Floor
New Haven, Connecticut 06511

David R. Conn
Associate General Counsel & Vice President
Product & Policy
McLeod USA Telecommunications
Services, Inc.
6500 C Street, SW
Cedar Rapids, Iowa 52406-3177

Patrick J. Donovan
Morton J. Posner
Swidler Berlin Shereff Friedman LLP
3000 K Street, NW - #300
Washington, DC 20007
Counsel for RCN Telecom Services, Inc.

Andrew Lipman
Donna M. Coles Roberts
Paul Hudson
Swidler Berlin Shereff Friedman LLP
3000 K Street, NW - #300
Washington, DC 20007
Counsel for MGC Communications

Eric J. Branfman
James N. Moskowitz
Swidler Berlin Shereff Friedman LLP
3000 K Street, NW - #300
Washington, DC 20007
Counsel for Mpower Communications, Inc.